

JP:SA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-306

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UNITED STATES OF AMERICA,

-against-

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

MARCUS DALE,

Defendant.

(T. 18, U.S.C. §
922(k))

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EASTERN DISTRICT OF NEW YORK, SS:

RAY MARTINEZ, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD") (Gun Enhancement Unit) duly appointed according to law and acting as such.

Upon information and belief, on or about February 20, 2010, within the Eastern District of New York, the defendant MARCUS DALE, did knowingly and intentionally possess in and affecting commerce a firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered, to wit, a Ruger P94, .40 caliber semi-automatic pistol.

(Title 18, United States Code, Section 922(k))

The source of your deponent's information and the grounds for his belief are as follows¹:

1. I have been a Detective with the NYPD for approximately 8 years.

2. I have personally participated in the investigation of this case and, based upon that participation and reports made by and discussions with other members of the NYPD and the Bureau of Alcohol, Tobacco, Firearms and Explosives (the "ATF"), as well as other law enforcement agencies (who have either direct or hearsay knowledge of the reported facts), I am familiar with the facts and circumstances of this investigation.

3. On February 20, 2010, in the early morning hours, in Staten Island, New York, Officers assigned to the Anti-Crime Unit of the 120th Precinct of the NYPD were on duty and conducting patrol in the Port Richmond neighborhood.

4. As part of their patrol, the Officer drove onto Grove Avenue and parked their vehicle to observe a large crowd of people gathering in the area. The Officers were in plainclothes and the vehicle in which they were driving was unmarked.

5. The Officers parked their vehicle near the corner of Maple Avenue and Grove Avenue and, shortly after their

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest MARCUS DALE, as described in greater detail below, I have not set forth every fact learned during the course of this investigation.

arrival, all three of the Officers observed the defendant, an individual later identified as MARCUS DALE, fire a pistol into the air three times.

6. As a result, the crowd began to disperse and the Officers turned on their lights and sirens and followed the defendant as he traveled on foot up Grove Avenue towards Faber Street. Officers then observed the defendant turn left onto Faber Street.

7. Officers then observed the defendant make a movement indicating that he had thrown an object.

8. Subsequently, one of the Officers got out of the patrol vehicle with his weapon drawn and ordered the defendant to get on the ground. The defendant, MARCUS DALE, was placed in handcuffs and arrested.

9. After the defendant's arrest, two of the aforementioned Officers retraced the defendant's path and, on a nearby residential garage in the vicinity of the area where the Officers observed the defendant making a throwing motion, they observed a semi-automatic pistol balanced on the ledge of a roof with the butt of the weapon visible from the street below.

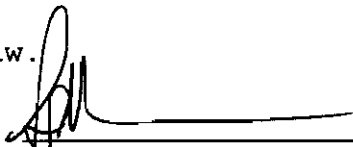
10. The firearm was recovered shortly thereafter and determined to be a Ruger P94, .40 caliber semi-automatic pistol.

Upon further observation, the Officers determined that the serial number on the weapon was obliterated.

11. Additionally, Officers from the NYPD also recovered .40 caliber shell casings and a live .40 caliber bullet from the area in which they had observed the defendant fire his weapon into the air.


12. I have conferred with an ATF Interstate Nexus Expert regarding the pistol in question and I know that the above-mentioned Ruger P94, .40 caliber semi-automatic pistol was manufactured outside the State of New York.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for defendant MARCUS DALE so that he may be dealt with according to law.



RAY MARTINEZ, Detective
NYPD - GUN ENHANCEMENT UNIT

Sworn to before me this
23rd day of March 2010



THE HONORABLE
UNITED STATES
EASTERN DISTRICT

S/Reyes

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